

REGULAR MEETING
BOROUGH COUNCIL
BOROUGH OF RUMSON
August 26, 2014

A regular meeting of the Borough Council of the Borough of Rumson was held in the Charles S. Callman Courtroom of Borough Hall on August 26, 2014 and was called to order by Mayor John E. Ekdahl at 7:30 p.m.

Pledge of Allegiance.

Present: Mayor Ekdahl, Councilwoman Atwell, Councilmen Broderick, Day, Hemphill, Rubin and Shanley.

Absent: None.

Thomas S. Rogers, Municipal Clerk/Administrator, was not present.

Jane F. Hartman, Deputy Municipal Clerk, was present.

Martin M. Barger, Borough Attorney, was present.

David Marks of T & M Associates was present.

The Mayor declared a quorum present and announced that the notice requirements of the Open Public Meetings Act had been met by the posting and mailing of a schedule of all regular and work meetings of the Borough Council for the year 2014 to the *Asbury Park Press* and the *Two River Times*.

On motion by Councilman Shanley, seconded by Councilman Rubin, the minutes of the previous meeting were approved as written, copies having been forwarded to all Council members. All in favor.

COMMUNICATIONS:

LETTER FROM SHAUNA MURRAY REQUESTING PERMISSION TO HOLD THE 2ND ANNUAL NEIGHBORHOOD BLOCK PARTY AT THE END OF HARBOR DRIVE ON SUNDAY, SEPTEMBER 14TH (RAIN DATE SUNDAY, SEPTEMBER 21ST) FROM 12:00 NOON UNTIL 5:00 P.M. FOR THE RESIDENTS OF BUTTONWOOD LANE, CLUB WAY, BUTTONWOOD LANE EAST, WATER WAY, HARBOR DRIVE AND RIVERS EDGE DRIVE:

The Deputy Municipal Clerk advised of a letter dated August 18, 2014 from Shauna Murray of 17 Buttonwood Lane requesting permission to hold the 2nd annual neighborhood block party at the end of Harbor Drive on Sunday, September 14, 2014 (rain date Sunday, September 21st) from 12:00 noon until 5:00 p.m. for the residents of Buttonwood Lane, Club Way, Buttonwood Lane East, Water Way, Harbor Drive and Rivers Edge Drive.

On motion by Councilman Hemphill, seconded by Councilman Rubin, this communication was ordered received and permission for the block party at the end of Harbor Drive was granted. All in favor.

LETTER FROM EFFIE DROSSMAN REQUESTING PERMISSION TO HOLD THE 5TH ANNUAL LAFAYETTE STREET BLOCK PARK BETWEEN CHURCH AND NARUMSUNK STREETS ON SATURDAY, SEPTEMBER 27TH (RAIN DATE SUNDAY, SEPTEMBER 28TH) FROM 3:00 P.M. UNTIL 9:00 P.M.:

The Deputy Municipal Clerk advised of a letter dated August 25, 2014 from Effie Drossman of 89 Lafayette Street requesting permission to hold the 5th Annual Lafayette Street Block Party on Lafayette Street between Church and Narumsunk Streets on Saturday, September 27, 2014 (rain date Sunday, September 28th) from 3:00 p.m. until 9:00 p.m.

On motion by Councilman Day, seconded by Councilman Rubin, this communication was ordered received and permission for the block party on Lafayette Street was granted. All in favor.

LETTER FROM J. MCLAUGHLIN REQUESTING PERMISSION TO EXTEND THEIR SEMI-ANNUAL SIDEWALK SALE THAT WAS APPROVED BY THE COUNCIL AND HELD LAST WEEKEND ON FRIDAY, AUGUST 22ND AND SATURDAY, AUGUST 23RD TO BE EXTENDED TO INCLUDE THIS COMING HOLIDAY WEEKEND FRIDAY, SATURDAY AND SUNDAY AUGUST 29TH, 30TH AND 31ST AND MONDAY, SEPTEMBER 1ST:

The Deputy Municipal Clerk advised of a letter from Sara Robinson, J. McLaughlin Store Manager, requesting an extension for their Semi-Annual Sidewalk Sale that was approved by the Council for August 22nd and 23rd to include this upcoming holiday weekend for the dates of Friday, Saturday and Sunday, August 29th, 30th and 31st and Monday, September 1st.

Since there had been no problems or complaints with the prior sales, the Council agreed that they would grant permission for the additional dates of August 29th, 30th and 31st and September 1st for the J. McLaughlin sidewalk sale.

On motion by Councilman Shanley, seconded by Councilman Day, this communication was ordered received and permission for the sidewalk sale extension to the holiday weekend was granted. All in favor.

CONSENT AGENDA:

LETTER FROM T & M ASSOCIATES, INC. ADVISING OF AN APPLICATION ON BEHALF OF THE BOROUGH OF RUMSON TO THE STATE OF NJ DEP FOR A CAFRA GENERAL PERMIT #14 FOR REPAIRS TO THE EXISTING BULKHEAD THAT WAS DAMAGED BY SUPERSTORM SANDY REPLACING THE VINYL WITH STEEL SHEETING ON BOROUGH PROPERTY LOCATED AT THE EASTERN END OF GRANT AVENUE, KNOWN AS BLOCK 144, LOT 30:

The Deputy Municipal Clerk advised of a letter dated August 19, 2014 from T & M Associates, Inc. on behalf of the Borough of Rumson. The letter advised of an application submitted to the New Jersey Department of Environmental Protection, Land Use Regulations for a CAFRA General Permit #14 for the repairs to the existing bulkhead that was damaged by Superstorm Sandy replacing the vinyl with steel sheeting on Borough property located at the eastern end of Grant Avenue, known as Block 144, Lot 30.

LETTER FROM THE STATE OF NJ DEP TO ED AND KAY WISE APPROVING THE WATERFRONT DEVELOPMENT IP IN-WATER AND SPGP 19 PERMITS FOR THE DEMOLITION OF AN EXISTING DWELLING AND CONSTRUCTION OF A NEW 2-STORY SINGLE-FAMILY DWELLING, GARAGE, DRIVEWAY AND IN-GROUND SWIMMING POOL AND REMOVAL OF THE EXISTING DOCK AND CONSTRUCTION OF A FIXED DOCK WITH BOATLIFT AND FLOATING DOCK ON PROPERTY LOCATED AT 54 EAST RIVER ROAD:

The Deputy Municipal Clerk advised of a letter from the State of New Jersey Department of Environmental Protection, Division of Land Use Regulation to Ed and Kay Wise advising of the approval of the Waterfront Development Individual Permit and SPGP 19 for the demolition of the existing dwelling and construction of a two-story, single-family dwelling, garage, driveway and in-ground swimming pool and removal of the existing dock and construction of a fixed dock with boatlift and floating dock on property located at 54 East River Road.

On motion by Councilman Broderick, seconded by Councilman Shanley, the two (2) communications on the Consent Agenda were ordered received. All in favor.

COMMITTEE REPORTS:

None.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

RESOLUTION 2014-0826-119 AUTHORIZING THE APPOINTMENT OF THE SCHOOL CROSSING GUARDS FOR THE 2014-2015 SCHOOL YEAR:

2014-0826-119

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION

BE IT RESOLVED that the following citizens be appointed as Regular School Crossing Guards and Substitute School Crossing Guards for the 2014-2015 School Year:

REGULAR CROSSING GUARDS

Elizabeth Anderson
Diane Dunham
Lorraine Gallagher
Rosemary Gaynor
Kristen McConnell
Joseph McGovern, Sr.
Robert Micieli
Patricia Mieth
Lorraine Oakes
Leolin T. West

SUBSTITUTES

Jean Noonan
Jennifer Noonan
Joseph Sorrentino
Margaret (Peggy) Walton
Miriani Wellner Morris

BE IT FURTHER RESOLVED that Regular and Substitute School Crossing Guards shall be paid at a rate of \$30.00 per diem for days worked; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to the Chief Financial Officer and Payroll Clerk.

Resolution seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: Atwell, Broderick, Day, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: None.

RESOLUTION 2014-0826-120 AUTHORIZING THE RELEASE OF EASEMENT OF BLOCK 128, LOT 10.1 (10.01):

2014-0826-120

BOROUGH OF RUMSON

**RESOLUTION AUTHORIZING THE RELEASE OF EASEMENT
FOR BLOCK 128, LOT 10.1 (10.01)**

WHEREAS, a certain Warranty Deed was made by Bloom Island, Inc. (“Grantor”), to Henry H. Bloom (“Grantee”) on December 18, 2002 and recorded in the Office of the Clerk of Monmouth County on December 19, 2002 in Book OR 8172, at Page 7415; and

WHEREAS, this Warranty Deed conveyed to Grantee the title to a parcel of land known as Lot 10.1 in Block 128 on the Rumson Borough Tax Map (hereinafter referred to

as “Lot 10.1”—also known as Lot 10.01 on the current, revised Rumson Borough Tax Map); included in said Warranty Deed is the reservation of an easement in favor of Grantor, subject to certain terms and conditions set forth therein; and

WHEREAS, the easement was reserved by Grantor for its benefit as the owner of the lands known as Lot 1 in Block 150 on the Rumson Borough Tax Map, roughly half of an island in the Shrewsbury River, commonly known as Gunning Island (hereinafter referred to as “Grantor’s Island Property”); and

WHEREAS, by Deed dated October 25, 2007, Grantor conveyed title to Grantor’s Island Property to the Boy Scouts of Monmouth County and then to the Borough of Rumson to be held in perpetuity for park, recreation and open space purposes; and

WHEREAS, by acquiring the Grantor’s Island Property, the Borough of Rumson succeeded to Grantor’s rights as holder of the easement reserved upon Lot 10.1 as described above; and

WHEREAS, the Borough of Rumson is not in need of the easement given that the use of the property is to remain for recreation and open space and will not be developed in the future;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the Borough of Rumson be authorized to cancel and void said easement; and

BE IT FURTHER RESOLVED that the Mayor of the Borough of Rumson be hereby authorized to sign and certify the Release of Easement to terminate this easement and that it shall now be canceled and void effective on this date, August 26, 2014.

The above Resolution was moved for adoption by Councilman Rubin. Motion seconded by Councilman Shanley and carried on the following roll call vote:

In the affirmative: Atwell, Broderick, Day, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: None.

CONSENT AGENDA:

RESOLUTION 2014-0826-121 AUTHORIZING THE REFUND OF A PORTION OF THE FEE FOR BUILDING PERMIT #14-00360:

2014-0826-121

RESOLUTION REFUNDING PORTION OF FEES FOR BUILDING PERMIT #14-00360

WHEREAS, Mid-State Heating & Cooling, Inc. paid \$155.00 in July 2014 for Construction Permit #14-00360; and

WHEREAS, the property owner, Charles Shay, is an active member of the Oceanic Fire Company; and

WHEREAS, according to Borough Ordinance, active members of the Rumson Fire Department are exempt from the municipal portion of Uniform Construction Code fees, up to a maximum of five hundred dollars, for the issuance of building permits; and

WHEREAS, Sherrie Britton, Permit Coordinator for Mid-State Heating & Cooling, Inc., has requested a refund of the exempt portion of the permit fee;

WHEREAS, Lynda Doyle, Technical Assistant, has confirmed \$145.00 of the \$155.00 paid should be refunded.

THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that \$145.00 be refunded to Mid-State Heating & Cooling, Inc., 413 Oak Glen Road, Howell, NJ 07731.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chief Financial Officer.

RESOLUTION 2014-0826-122 AUTHORIZING THE RELEASE OF THE PERFORMANCE CASH BONDS, MAINTENANCE BOND AND ESCROW ACCOUNT BALANCES FOR THE PARENT SUBDIVISION, BLOCK 70, LOTS 5 AND 5.01:

2014-0826-122

RESOLUTION

BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby authorizes that the performance cash bonds, maintenance bond and escrow account balances posted in conjunction with the various phases of the Parent Subdivision, Block 70, Lots 5 and 5.01, be released, subject to the payment of any outstanding fees. Said bonds and escrow release was recommended by the Borough Engineer in a letter dated August 25, 2014, a copy of which is on file in the Municipal Clerk's office; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Chief Financial Officer.

RESOLUTION 2014-0826-123 AUTHORIZING THE REFUND OF A TAX OVERPAYMENT FOR BLOCK 41, LOT 17.01:

2014-0826-123

RESOLUTION REFUNDING TAX OVERPAYMENT
FOR BLOCK 41, LOT 17.01

WHEREAS, the amount billed for the 2014 3rd quarter property taxes for Block 41, Lot 17.01 was \$2,111.09; and

WHEREAS, on August 11, 2014, a payment in the amount of \$2,648.53 was remitted by Phil and Susan Villapiano; and

WHEREAS, Susan Villapiano, has requested a refund of the overpayment in the amount of \$537.44; and

WHEREAS, Helen L. Graves, Borough Chief Financial Officer/Tax Collector has confirmed this overpayment and recommends a refund in the amount of \$537.44 be made to Phil and Susan Villapiano, 40 Park Avenue, Rumson, NJ 07760;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the tax overpayment, in the amount of \$537.44, for Block 41, Lot 17.01 be refunded to Phil and Susan Villapiano, 40 Park Avenue, Rumson, NJ 07760; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chief Financial Officer.

RESOLUTION 2014-0826-124 AUTHORIZING THE REFUND OF A TAX OVERPAYMENT FOR BLOCK 83, LOT 10:

2014-0826-124

RESOLUTION REFUNDING TAX OVERPAYMENT
FOR BLOCK 83, LOT 10

WHEREAS, the amount billed for the 2014 3rd quarter property taxes for Block 83, Lot 10 was \$6,824.55; and

WHEREAS, on July 28, 2014, a payment in the amount of \$5,950.00 was remitted by the Counsellors Title on behalf of the property owners Eugene and Nicole S. Croddick; and

WHEREAS, on August 4, 2014, an additional payment in the amount of \$874.55 was made by the property owner; and

WHEREAS, on August 7, 2014, an additional payment in the amount of \$6,824.55 was made by Corelogic creating an overpayment of \$6,824.55; and

WHEREAS, Laurie Meehan, of Counsellors Title, has requested a refund in the amount of \$5,950.00 be made to the property owners, Eugene and Nicole S. Croddick; and

WHEREAS, Nicole S. Croddick, has requested a refund in the amount of \$874.55; and

WHEREAS, Helen L. Graves, Borough Chief Financial Officer/Tax Collector has confirmed this overpayment and recommends a refund in the amount of \$6,824.55 be made to Eugene and Nicole S. Croddick, 14 Brookside Drive, Rumson, NJ 07760;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the tax overpayment, in the amount of \$6,824.55, for Block 83, Lot 10 be refunded to Eugene and Nicole S. Croddick, 14 Brookside Drive, Rumson, NJ 07760; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chief Financial Officer.

The above four (4) Resolutions on the Consent Agenda were moved for adoption by Councilman Rubin. Motion seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: Atwell, Broderick, Day, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: None.

ANNOUNCEMENT BY THE MAYOR:

Mayor Ekdahl made the following Announcement:

Borough Hall will be closed on Monday, September 1st in observance of the Labor Day holiday. There will be no garbage collection in the Borough on Labor Day. All those residents whose regular garbage day falls on Monday will have to wait until Thursday for their next pick-up.

Have an enjoyable and safe Labor Day weekend.

Thank you.

CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):

Councilman Broderick offered the following resolution and moved its adoption:

\$	268.21	Red Bank Veterinary Hospital
\$	268.21	Animal Control Account
\$	1,951.12	Pure Networx
\$	6,420.00	Servers Direct
\$	4,375.00	Targeted Technologies LLC
\$	9,464.54	T & M Associates
\$	22,210.66	Capital Account
\$	1,389.00	Charles & Nikki Alpert
\$	1,389.00	COAH Trust Fund

\$	9,824.77	JCP&L
\$	5,188.51	Allied Oil LLC
\$	3,500.00	All in One Services
\$	629.40	Richard April
\$	61.25	Asbury Park Press
\$	524.00	Bayshore Fire & Safety LLC
\$	5,600.00	Becker Tree Service
\$	314.70	Frederic S Bradley
\$	629.40	William & Dzintra L. Brush
\$	5,599.96	Certified Truck Repair Inc
\$	167.58	Clayton Block Co Inc
\$	119.97	Comcast of Monmouth
\$	314.70	Mark Conley
\$	314.70	Margaret Connor
\$	6,824.55	Eugene & Nicole Croddick
\$	420.50	Custom Tire Associates
\$	3,716.16	Delta Dental of New Jersey Inc
\$	3,684,334.90	Depository Trust Company
\$	4,692.09	East Coast Energy Products
\$	464.75	Fastenal Co
\$	132.12	FedEx Techconnect Revenue Serv
\$	69.73	FedEx Freight
\$	314.70	Harden W Fowler
\$	629.40	James F Gallagher
\$	77.55	Galls LLC
\$	314.70	Ella D Gaynor
\$	165.00	Glenco Supply Inc
\$	189.00	Gramco Business Communications
\$	314.70	John C Hendricks
\$	954.00	Robert Hoffman
\$	314.70	Barbara M Hoffman
\$	4,107.26	JCP&L
\$	1,415.61	JNM Holdings Inc
\$	271.80	Johnny on the Spot Inc
\$	242.50	John Guire Co Inc
\$	155.99	Kaldoor Emergency Lights LLC
\$	587.40	Gerald P Kelly
\$	314.70	Iris O Kirkpatrick
\$	330.59	Lawes
\$	398.16	Lertch Recycling Co Inc
\$	912.63	Level 3 Communications LLC
\$	629.40	Norman Long
\$	2,044.76	Mid-Atlantic Truck Centre Inc
\$	145.00	Mid-State Heating & Cooling
\$	99.95	Monmouth Truck Equipment
\$	520.00	Monmouth Sprinkler Co Inc
\$	629.40	Royal E & Virginia Moss
\$	314.70	Elizabeth N Murphy
\$	629.40	M Patricia Murphy
\$	175.71	Naylor's Auto Parts
\$	5,399.56	New Jersey American Water
\$	136.73	New Pig Corporation
\$	540.00	Colleen P O'Connor
\$	220.00	Omaha Standard Inc
\$	314.70	James J Peluso
\$	454.60	PEP Express Parts
\$	237.00	Poster Compliance Center
\$	4,146.04	Pumping Services Inc
\$	314.70	Joseph Ranieri
\$	861.00	Realty Data Systems LLC
\$	477.00	Paul E Reinhold Jr
\$	477.00	Edward Rumolo
\$	477.00	J Gary Sammon
\$	629.40	James Scalzo

\$	915.55	Sherwin-Williams Co
\$	314.70	Joan C Shea
\$	629.40	Joseph J Sorrentino
\$	500.00	State Shorthand Reporting Serv
\$	501.88	Staples Advantage
\$	228.03	Stavola Asphalt Co Inc
\$	1,500.00	Suasion Communications Grp LLC
\$	629.40	James Tanner
\$	2,120.00	Targeted Technologies LLC
\$	27,507.02	T & M Associates
\$	314.70	Joseph E Tuzik Sr
\$	389.98	The Two River Times
\$	1,000.00	United States Postage Service
\$	920.83	United Rotary Brush Corp
\$	279.50	Verizon
\$	160.04	Verizon Wireless
\$	134.99	Verizon Business Fios
\$	537.44	Philip & Susan Villapiano
\$	54.00	Wageworks
\$	1,773.06	Warshauer Electric Supply
\$	314.70	Lorraine J Watson
\$	314.70	Donald York
\$	314.70	Robert Zerr
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\$	3,806,681.80	Current Fund
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\$	146.00	Lawn Doctor
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\$	146.00	Endowment Inc Account
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\$	1,445.64	Athlete's Alley
\$	1,000.00	Daniel J Edwards
\$	25.70	Christopher Grier
\$	7,280.00	Incrediflix Inc
\$	450.00	Nappi Trucking Corp
\$	18,810.00	New Logic LLC
\$	43.26	Sarah Orsay
\$	199.98	Port Supply
\$	7,641.50	George T Sourlis
\$	546.66	S & S Worldwide Inc
\$	20.00	Noah Alexander Tucker
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\$	37,462.74	Recreation Account
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\$	5,667.45	Arthur F Parent
\$	257.00	Michael B Steib PA
\$	6,037.08	T & M Associates
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\$	11,961.53	Trust Account
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\$	10,932.42	Current Fund Appropriations
\$	3,795,749.38	Current Fund Appropriations
\$	268.21	Animal Control Fund Expenses
\$	22,210.66	Capital Fund Disbursements
\$	146.00	Endowment Disbursements
\$	37,462.74	Recreation Disbursements
\$	13,350.53	Trust Fund – Other Expenses
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\$	3,880,119.94	Total Of All Funds

Resolution seconded by Councilman Shanley and carried on the following roll call vote:

In the affirmative: Atwell, Broderick, Day, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: None.

COMMENTS FROM THE COUNCIL:

The Mayor afforded the members of the Council an opportunity to be heard at this time and no one responded.

COMMENTS FROM THE PUBLIC:

The Mayor afforded the public an opportunity to be heard at this time and the following resident responded:

Dennis Nitka of 14 Warren Street stated that he was aware that the Borough was working on obtaining funding for the installation of valves for the outfall pipes to be installed in West Park to protect the area from flooding. He said that he was concerned for the safety of the area residents, especially the children, and that the valves were needed for times that it was more likely to flood, like in November and December and during northeasters with unusually high tides. Mr. Nitka asked if anyone could advise him of the status of the funding.

The Borough Engineer reported that we applied for funding for the specific tide valve installation, and in some cases replacement, for the outfall pipes in West Park area through the FEMA Hazard Mitigation Grant Program. He stated that we were successful with that program and will be awarded \$238,000 toward tide valve installations, bulkhead outfitting and some regrading to provide limited flood proofing within the West Park area. The Borough Engineer stated that, although we were notified of the award, we were still waiting for FEMA to actually give us the funds and it didn't look like the funding and work would happen in Mr. Nitka's time frame of November and December. He added that the State and FEMA were very slow in distributing the funds and his guess was that the funding would probably be received and the work begin in early in 2015.

In answer to a question from the Mayor, the Borough Engineer stated that there were six (6) outfall pipes that covered all drainage in the West Park area.

Mr. Nitka asked the Borough Engineer what the approximate cost was for each valve.

The Borough Engineer explained that the costs varied according to the size of the outfall pipe, but each costs at least \$20,000 and the largest as much as \$50,000, totaling \$180,000 to \$200,000 for all six.

Mr. Nitka suggested that when the work begins that the Borough starts with the lower, southerly end of West Park where the problem is the greatest. He stated that the residents in the neighborhood were excited to see this project come about.

The Borough Engineer advised that the FEMA was ready to release funding for generators and the Borough had applied for funding for emergency permanently installed, natural gas fired generators for our wastewater pump stations that don't have them. He added that the funds for the generators would probably be doled out before the funding for the tide valves.

Mr. Nitka thanked the Mayor and Council and the Borough Engineer.

Mayor Ekdahl thanked Mr. Nitka for his comments.

ADJOURNMENT:

On motion by Councilman Rubin, seconded by Councilman Shanley, the meeting adjourned at 7:45 p.m. All in favor.

Respectfully submitted,

Jane F. Hartman
Deputy Municipal Clerk